



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



August 30, 2002

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-29**

Jaffrey Public Works
23 Knight Street
Jaffrey, New Hampshire 03452

Attn: Mr. Jes Alexant, Director of Public Works

**Re: Jaffrey Water Works
Jaffrey, New Hampshire
EPA ID # NHD500014741**

Dear Mr. Alexant:

On June 26, 2002, the Department of Environmental Services (DES) conducted an inspection of the Jaffrey Water Works. The purpose of the inspection was to determine Jaffrey Water Works' compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiency in your hazardous waste management program was documented:

1 Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determinations had been performed on the waste lamps and waste batteries generated at Jaffrey Water Works. DES inspectors also confirmed that Jaffrey Water Works disposes of waste lamps and batteries in the on-site dumpster.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Jaffrey Water Works test representative samples of the waste lamps and batteries for the characteristic of toxicity as defined in Env-Wm 403.06. These analyses should include, at a minimum, RCRA metals, using the Toxicity Characteristic Leaching Procedure (TCLP) Method 1311 found in Test Methods for Evaluating Solid Wastes, SW-846. Please be advised that waste determinations may also be accomplished by Jaffrey Water Works using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

Alternatively, Jaffrey Water Works may elect to manage waste lamps and batteries as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheets #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters," and #WMD-HW-18 "Universal Waste Batteries: Management Requirements for Handlers and Transporters"; a DES "Fluorescent Lamp and Ballast Recycling Facility" list; and a DES "Battery Vendors" list to aid you with the determinations.

Jaffrey Water Works will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as Material Safety Data Sheets (MSDS) and/or chemical analyses, to DES. DES also requests that Jaffrey Water Works complete and submit a subsequent notification form (enclosed) in order to accurately reflect the change in generator status.

On July 31, 2002, DES inspectors met with you to discuss universal waste management practices conducted by the Town of Jaffrey, as well as to discuss the New Hampshire Universal Waste Rule. During this meeting, it was confirmed that the Town of Jaffrey does not have a program in place to manage universal waste according to the rule. DES requests that universal waste management practices instituted by Jaffrey Water Works to correct the cited deficiency, also be implemented for all departments within the Town of Jaffrey.

Until a universal waste management program is established within the Town of Jaffrey, DES requests that the Town of Jaffrey Transfer Station does not accept universal waste from generators not affiliated with the Town, and instructs these generators to seek proper universal waste disposal elsewhere. When a program is in place to manage universal waste, the Town of Jaffrey Transfer Station may elect to accept universal waste from non-affiliated generators.

DES believes the cited deficiency can be corrected and a report describing the corrective measures taken by Jaffrey Water Works can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within 30 days, DES may take further action against Jaffrey Water Works, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may

reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Jessica Cajigas or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Thank you for your cooperation.

Sincerely,

 **COPY**

Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CERTIFIED MAIL RRR# 70993400000297731366

cc: DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Robert Gordon, Water Superintendent, Jaffrey Water Works

E-mail: JJD/SD/SD/PM

Enclosures: Inspection Checklist
DES Environmental Fact Sheet #WMD-HW-7 "Universal Waste Lamps: Management Requirements..."
DES Environmental Fact Sheet #WMD-HW-18 "Universal Waste Batteries: Management Requirements..."
DES "Fluorescent Lamp and Ballast Recycling Facility" list
DES "Battery Vendors" list
Subsequent Notification Form